

ORIGINAL

**BEFORE THE STATE BOARD OF  
RESIDENTIAL CARE ADMINISTRATORS**

**STATE OF IDAHO**

In the Matter of the License of:

SHAWNTEL LANDSBOROUGH,  
License No. RCA-413,

Respondent.

Case No. RCA-2005-3

**FINAL ORDER**

THIS MATTER came before Jean Uranga, the designated Hearing Officer. The State appeared by its attorney of record, Kenneth F. Stringfield, Idaho Deputy Attorney General. Respondent, Shawntel Landsborough, failed to answer or appear in this proceeding. The Hearing Officer entered a Notice of Proposed Default and Order in this matter on June 13, 2005. The Respondent failed to contest the proposed default, and a default was entered. On June 13, 2005, the Hearing Officer submitted her Findings of Fact, Conclusions of Law and Recommended Order.

This matter then came before the Idaho State Board of Residential Care Administrators on August 10, 2005. By motion, and good cause appearing therefor, the Board adopted the following Order, with Ione Springer and Shirly Meyer recusing themselves.

IT IS HEREBY ORDERED as follows:

1. The Board adopts the Hearing Officer's Findings of Fact and Conclusions of Law, and incorporates the same herein by this reference.
2. That Respondent's actions constitute a violation of laws governing Residential Care Administrators, and constitute grounds for disciplinary action against her license to practice residential care administration in the state of Idaho pursuant to Idaho Code Section 54-4213 and

**FINAL ORDER - 1.**

IDAPA 24.19.01.650. The Board therefore imposes the following disciplinary sanctions upon Respondent Shawntel Landsborough:

- a. That Respondent's license shall be revoked.
- b. That Respondent shall pay a fine in the amount of One Thousand Dollars (\$1,000.00).
- c. That Respondent shall pay the costs and attorney's fees incurred in the investigation and prosecution of this matter in the total amount of \$1,669.33, as reviewed in Exhibit "A", attached hereto. Respondent may object to the amount or nature of the costs and fees by filing a request for reconsideration within the time frame set forth in this Order.
- d. Respondent shall pay the costs, fees and fine as set forth in this Order prior to any reinstatement or renewal of her license.

3. This is the Final Order of the Board.

a. Any party may file a Petition for Reconsideration of this Final Order within fourteen (14) days of the service date of this Final Order. The Board will dispose of the Petition for Reconsideration within twenty-one (21) days of its receipt, or the Petition will be considered denied by the operation of law. (*See*, Idaho Code Section 67-5247(4)).

b. Pursuant to Idaho Code Sections 67-5270 and 57-5272, any party aggrieved by this Final Order, or orders previously issued in this case, may appeal this Final Order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which: (i) a hearing was held; (ii) the final agency action was taken; or (iii) the party seeking review of this Final Order resides.

**FINAL ORDER - 2.**

c. An appeal must be taken within twenty-eight (28) days: (i) of the service date of this Final Order; (ii) of any order denying petition for reconsideration; or (iii) of the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. (See, Idaho Code Section 67-5273.) The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

4. The Bureau Chief of the Bureau of Occupational Licenses shall cause a true and correct copy of this Final Order to be served upon the Respondent and the State's attorney by mailing a copy to them at their addresses as provided.

DATED this 25<sup>th</sup> day of August, 2005.

STATE BOARD OF RESIDENTIAL  
CARE ADMINISTRATORS

By Sharon Ashcraft  
Sharon Ashcraft, Acting Chairman

Exh. A - Costs and Attorney's Fees

**FINAL ORDER - 3.**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 22<sup>nd</sup> day of August, 2005, I caused to be served, by the method(s) indicated, a true and correct copy of the foregoing upon:

Kenneth F. Stringfield  
Deputy Attorney General  
Office of the Attorney General  
P.O. Box 83720  
Boise, ID 83720-0010

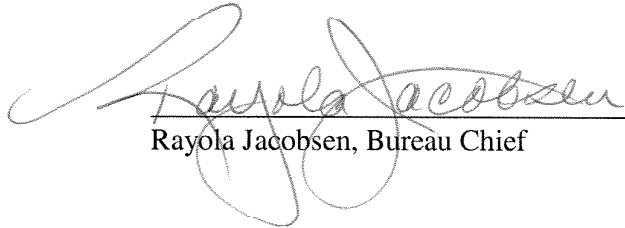
— U.S. Mail  
— Hand Delivered  
X Statehouse Mail  
— Fax Transmission

Shawntel Landsborough  
16916 Hollow Road  
Caldwell, ID 83607

X U.S. Mail  
X Certified Mail  
— Federal Express  
— Fax Transmission

Shawntel Landsborough  
1942 W. McMillian  
Meridian, ID 83642

X U.S. Mail  
X Certified Mail  
— Federal Express  
— Fax Transmission

  
Rayola Jacobsen, Bureau Chief

M:\General Representation\Bureau of Occupational Licenses\Residential Care Admin\Documents\4773\_02 Landsborough Final Order.doc

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URANGA & URANGA

BEFORE THE BOARD OF EXAMINERS OF  
RESIDENTIAL CARE FACILITY ADMINISTRATORS

STATE OF IDAHO

In the Matter of the License of:	)	
	)	Case No. RCA-2005-3
SHAWNTEL LANDSBOROUGH,	)	
aka Shawntel Watkins,	)	<b>FINDINGS OF FACT,</b>
License No. RCA-413,	)	<b>CONCLUSIONS OF LAW AND</b>
	)	<b>RECOMMENDED ORDER</b>
Respondent.	)	
	)	

RCA\Landsborough\P5161lse

Having reviewed the Complaint and other documents in this matter, the Hearing Officer hereby enters the following Findings of Fact, Conclusions of Law, and Recommended Order:

**FINDINGS OF FACT**

1. Shawntel Landsborough, aka Shawntel Watkins (hereinafter "Respondent") is licensed by the Idaho State Board of Examiners of Residential Care Facility Administrators (hereinafter "Board") under License No. RCA-413 to practice as a residential care facility administrator. Respondent's license expired on April 9, 2005, and Respondent's license was canceled as of April 10, 2005. Pursuant to Idaho Code § 67-2614, Respondent retains the right to renew her license for up to five (5) years after cancellation by paying the required fees.

2. On May 5, 2005, a formal administrative Complaint was filed in this matter with the Board. Said Complaint is expressly incorporated herein and made a part hereof.

3. Copies of the Complaint, along with the Notification of Procedural Rights, were sent to Respondent on May 5, 2005, by means of the United States Mail, postage prepaid, both by certified mail, return receipt requested, and by regular mail. The mailings were addressed to Respondent at her most recent home address on file with the Board, as follows:

Shawntel Landsborough  
16916 Hollow Road  
Caldwell, ID 83607

4. The certified mail mailing was returned to the sending office with the notation "addressee unknown," and the regular mailing was not returned.

5. The Notification of Procedural Rights informed Respondent that, under statutes and rules applicable to such proceedings before the Board, Respondent needed to file a formal Answer to the Complaint within twenty-one (21) days of service of the Complaint and that failure to timely file an Answer to the Complaint or otherwise defend against the action would constitute a default and would be sufficient grounds for proceeding administratively against Respondent's license without the necessity of conducting a hearing.

6. On June 13, 2005, a Notice of Proposed Default Order and Default Order, along with another copy of the Complaint and Notification of Procedural Rights, were sent to Respondent by means of the United States Mail, postage prepaid, both by certified mail, return receipt requested, and by regular mail, at the following address:

Shawntel Landsborough  
16916 Hollow Road  
Caldwell, ID 83607

7. Respondent failed to contest entry of the proposed Default Order within seven (7) days of service of the Notice of Proposed Default Order.

8. Concurrent herewith, a Default Order was entered against Respondent. Therefore, the allegations contained in the Complaint on file in this matter are admitted as true without the necessity of conducting a hearing.

9. As detailed in the incorporated Complaint, Respondent, while a licensed residential care facility administrator, did do the following:

a. Repeatedly failed to act in a manner consistent with the health and safety of residential care facility residents;

b. Repeatedly failed to operate residential care facilities consistent with laws, regulations, and standards of practice recognized in the field of health care administration; and

c. Failed to cooperate with the Bureau of Occupational Licenses investigator and to disclose to the Board any actual or potential circumstances concerning Respondent that might reasonably be thought to have a substantial adverse impact on the residential care facilities or the residents.

#### **CONCLUSIONS OF LAW**

1. As a licensed residential care facility administrators in the State of Idaho, Respondent is subject to the jurisdiction of the Board and to the provisions of title 54, chapter 42, Idaho Code. Although Respondent did not renew her license and her license was canceled as of April 10, 2005, pursuant to Idaho Code § 67-2614, Respondent retains the right to renew her license for up to five (5) years after cancellation by paying the required fees.

2. The Complaint was sent to Respondent at the address on file with the Board. Respondent was duly and lawfully given notice of proceedings against her license pursuant to the provisions of IDAPA 04.11.01.055.

3. Respondent's failure to plead or otherwise defend in this action authorizes the Board, pursuant to Idaho Code § 67-5242(4) and IDAPA 04.11.01.700, to enter an Order of Default which is as lawful as if all the allegations in the Complaint were proved or admitted at a hearing.

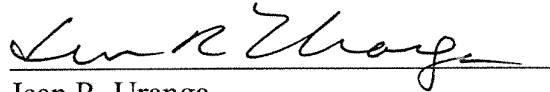
4. Respondent's acts as detailed in the incorporated Complaint constitute violations of American College of Health Care Administrators (ACHCA) Code of Ethics Expectations I and III, IDAPA 24.19.01.650, and Idaho Code §§ 54-4213(1)(a) and (b), thereby authorizing the Board to impose sanctions against Respondent, including her five-year right to renewal.

/ / /

## ORDER

Based upon the foregoing, it is the recommendation of the Hearing Officer that the Board take such action as it deems appropriate consistent with the Findings of Fact and Conclusions of Law stated above.

DATED this 21st day of June, 2005.

  
Jean R. Uranga  
Hearing Officer

## NOTICE OF DUE PROCESS RIGHTS

This is a recommended order of the Hearing Officer. It will not become final without action of the Board. Any party may file a petition for reconsideration of this recommended order with the Hearing Officer issuing the order within fourteen (14) days of the service date of this order. The Hearing Officer issuing this recommended order will dispose of any petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Idaho Code § 67-5243(3).

Within twenty-one (21) days after (a) the service date of this recommended order, (b) the service date of a denial of a petition for reconsideration from this recommended order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this recommended order, any party may in writing support or take exceptions to any part of this recommended order and file briefs in support of the party's position on any issue in the proceeding.

Written briefs in support of or taking exceptions to the recommended order shall be filed with the Board. Opposing parties shall have twenty-one (21) days to respond. The Board may schedule oral argument in the matter before issuing a final order. The Board will issue a final order within fifty-six (56) days of receipt of the written briefs or oral argument, whichever is later, unless waived by the parties and for good cause shown. The Board may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order.

### CERTIFICATE OF SERVICE

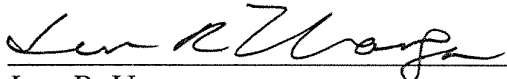
I HEREBY CERTIFY that on this 21st day of June, 2005, I caused to be served a true and correct copy of the foregoing by the following method to:

Shawntel Landsborough  
16916 Hollow Road  
Caldwell, ID 83607

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☒ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: \_\_\_\_\_
- ☐ Statehouse Mail

Kenneth F. Stringfield  
Deputy Attorney General  
P.O. Box 83720  
Boise, ID 83720-0010

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: \_\_\_\_\_
- ☐ Statehouse Mail

  
\_\_\_\_\_  
Jean R. Uranga  
Hearing Officer